

**In the United States District Court for the
Eastern District of North Carolina
Eastern Division**

Ashaki Crenshaw,
Plaintiff,
vs.
Leland Dudek, Acting Commissioner of
Social Security,²¹
Defendant.

Civil Action No.
4:20-cv-00122-D

Order

Upon consideration of Plaintiff's petition for attorney's fees under the Social Security Act, 42 U.S.C. § 406(b), and Defendant's response, it is

ORDERED that:

1. Plaintiff's attorney is awarded under 42 U.S.C. § 406(b) attorney's fees in the amount of \$26,717.78 less the \$7,674.28 previously paid to the Plaintiff's attorney under the Equal Access to Justice Act. Plaintiff's attorney has chosen to effectuate the EAJA refund by deducting the amount of the earlier EAJA award from his subsequent 42 U.S.C. § 406(b) fee request. The Court finds that reducing the fee award by \$7,674.28 is an appropriate and reasonable alternative to granting a full fee but ordering counsel to reimburse the Plaintiff with the lesser award amount.

²¹ Leland Dudek became Acting Commissioner of Social Security on February 16, 2025. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Leland Dudek should be substituted for Martin O'Malley as the defendant in this suit. No further action needs to be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g)

2. Defendant shall pay from Plaintiff's past-due benefits directly to Plaintiff's attorney the amount of \$19,043.50 to Plaintiff's attorney for the net attorney's fees under the Social Security Act, 42 U.S.C. § 406(b), within a reasonable time.

SO ORDERED. This the 31 day of March, 2025.

A handwritten signature in black ink, appearing to read "J. Dever", is written over a horizontal line.

JAMES C. DEVER III

United States District Judge